

SENATE BILL 193

M4

(2lr1524)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environmental Matters* —

Introduced by **Senators Young, Colburn, Forehand, Madaleno, Middleton, and Montgomery**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Agriculture – Maryland Standard of Identity for Honey**

3 FOR the purpose of establishing a Maryland standard of identity for honey; requiring
4 the standard to be applied to certain products; authorizing the designation of
5 certain products as honey; requiring certain products to be distinguished from
6 pure honey under certain circumstances; authorizing certain naming and
7 labeling requirements for honey; requiring that the country of origin be declared
8 on the label for a certain honey designation; requiring that certain styles of
9 honey be declared on the label; ~~authorizing a person that has suffered certain
10 damages to bring a certain action to recover damages in a certain court;
11 authorizing certain persons to bring an enforcement action in a certain circuit
12 court; authorizing the court to enjoin certain persons from distributing
13 mislabeled honey products in the State~~ *authorizing certain persons to file an
14 action to enforce this Act in a certain court; authorizing the court to order certain*

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 *relief under certain circumstances*; clarifying that, notwithstanding certain
 2 provisions of law, the Department of Agriculture is not required to enforce the
 3 requirements of this Act; defining certain terms; and generally relating to
 4 establishing a standard of identity for honey in Maryland.

5 BY adding to

6 Article – Agriculture

7 Section 10–1901 through 10–1907 to be under the new subtitle “Subtitle 19.
 8 Standard of Identity for Honey”

9 Annotated Code of Maryland

10 (2007 Replacement Volume and 2011 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Agriculture**

14 **SUBTITLE 19. STANDARD OF IDENTITY FOR HONEY.**

15 **10–1901.**

16 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 17 INDICATED.

18 (B) “BLOSSOM HONEY” OR “NECTAR HONEY” MEANS HONEY THAT
 19 COMES FROM NECTARS OF PLANTS.

20 (C) “HONEY” MEANS THE NATURAL FOOD PRODUCT THAT:

21 (1) HONEY BEES PRODUCE FROM THE NECTAR OF PLANTS,
 22 SECRETIONS OF LIVING PARTS OF PLANTS, OR EXCRETIONS OF
 23 PLANT–SUCTION INSECTS ON THE LIVING PARTS OF PLANTS;

24 (2) HONEY BEES COLLECT, TRANSFORM BY COMBINING WITH
 25 SPECIFIC SUBSTANCES OF THEIR OWN, DEPOSIT, DEHYDRATE, STORE, AND
 26 LEAVE IN THE HONEY COMB TO RIPEN AND MATURE;

27 (3) CONSISTS ESSENTIALLY OF DIFFERENT SUGARS,
 28 PREDOMINANTLY FRUCTOSE AND GLUCOSE, AND OTHER SUBSTANCES,
 29 INCLUDING ORGANIC ACIDS, ENZYMES, AND SOLID PARTICLES DERIVED FROM
 30 HONEY COLLECTION;

31 (4) HAS THE COLOR THAT MAY VARY FROM NEARLY COLORLESS
 32 TO DARK BROWN;

1 **(5) HAS THE CONSISTENCY THAT MAY BE FLUID, VISCOUS, OR**
2 **PARTLY TO ENTIRELY CRYSTALLIZED; AND**

3 **(6) HAS THE FLAVOR AND AROMA THAT ARE DERIVED FROM THE**
4 **PLANT OF ORIGIN AND MAY VARY.**

5 **(D) “HONEYDEW HONEY” MEANS HONEY THAT COMES MAINLY FROM**
6 **EXCRETIONS OF PLANT-SUCKING INSECTS (HEMIPTERA) ON THE LIVING PARTS**
7 **OF PLANTS OR SECRETIONS OF LIVING PARTS OF PLANTS.**

8 **10-1902.**

9 **THERE IS A MARYLAND STANDARD OF IDENTITY FOR HONEY.**

10 **10-1903.**

11 **THE MARYLAND STANDARD OF IDENTITY FOR HONEY SHALL APPLY TO:**

12 **(1) ALL HONEY PRODUCED BY HONEY BEES FROM NECTAR;**

13 **(2) ALL STYLES OF HONEY PRESENTATION THAT ARE PROCESSED**
14 **AND ULTIMATELY INTENDED FOR DIRECT CONSUMPTION; AND**

15 **(3) ALL HONEY PACKED, PROCESSED, OR INTENDED FOR SALE IN**
16 **BULK CONTAINERS AS HONEY THAT MAY BE REPACKED FOR RETAIL SALE OR**
17 **FOR USE AS AN INGREDIENT IN OTHER FOODS.**

18 **10-1904.**

19 **(A) A PRODUCT MEETS THE MARYLAND STANDARD OF IDENTITY FOR**
20 **HONEY IF THE PRODUCT:**

21 **(1) DOES NOT CONTAIN ANY SUBSTANCE OTHER THAN HONEY,**
22 **INCLUDING ANY FOOD ADDITIVE AS DEFINED IN § 21-101 OF THE**
23 **HEALTH – GENERAL ARTICLE;**

24 **(2) HAS NOT BEEN SUBJECTED TO CHEMICAL OR BIOCHEMICAL**
25 **TREATMENTS USED TO INFLUENCE HONEY CRYSTALLIZATION;**

26 **(3) HAS NOT HAD ANY WATER ADDED TO THE PRODUCT IN THE**
27 **COURSE OF EXTRACTION OR PACKING FOR SALE OR RESALE AS HONEY;**

28 **(4) HAS NOT BEGUN TO FERMENT OR EFFERVESCE;**

- 1 **(5) DOES NOT HAVE A MOISTURE CONTENT GREATER THAN:**
- 2 **(I) 23% FOR HEATHER HONEY (CALLUNA); OR**
- 3 **(II) 18.6% FOR ALL OTHER HONEY;**
- 4 **(6) DOES NOT HAVE A WATER-INSOLUBLE-SOLIDS CONTENT**
5 **GREATER THAN:**
- 6 **(I) 0.5 GRAM PER 100 GRAMS FOR PRESSED HONEY; OR**
- 7 **(II) 0.1 GRAM PER 100 GRAMS FOR ALL OTHER HONEY;**
- 8 **(7) DOES NOT HAVE A FRUCTOSE CONTENT GREATER THAN 50**
9 **GRAMS PER 100 GRAMS;**
- 10 **(8) HAS A TOTAL AMOUNT OF FRUCTOSE AND GLUCOSE EQUAL TO**
11 **AT LEAST:**
- 12 **(I) 45 GRAMS PER 100 GRAMS FOR HONEYDEW HONEY AND**
13 **BLENDS OF HONEYDEW HONEY WITH BLOSSOM HONEY; OR**
- 14 **(II) 60 GRAMS PER 100 GRAMS FOR ALL OTHER HONEY; AND**
- 15 **(9) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
16 **HAS A SUCROSE CONTENT NO GREATER THAN 5 GRAMS PER 100 GRAMS.**
- 17 **(B) (1) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF**
18 **HONEY MAY BE GREATER THAN 5 GRAMS PER 100 GRAMS BUT NOT GREATER**
19 **THAN 10 GRAMS PER 100 GRAMS TO MEET THE MARYLAND STANDARD OF**
20 **IDENTITY FOR HONEY:**
- 21 **(I) ALFALFA (MEDICAGO SATIVA);**
- 22 **(II) CITRUS SPP.;**
- 23 **(III) FALSE ACACIA (ROBINIA PSEUDOACACIA);**
- 24 **(IV) FRENCH HONEYSUCKLE (HEDYSARUM);**
- 25 **(V) MENZES BANKSIA (BANKSIA MENZIESII);**
- 26 **(VI) RED GUM (EUCALYPTUS CAMALDULENSIS);**

1 (VII) LEATHERWOOD (*EUCRYPHIA LUCIDA*); AND

2 (VIII) *EUCRYPHIA MILLIGAMI*.

3 (2) THE SUCROSE CONTENT OF THE FOLLOWING TYPES OF
4 HONEY MAY BE GREATER THAN 5 GRAMS PER 100 GRAMS BUT NOT GREATER
5 THAN 15 GRAMS PER 100 GRAMS TO MEET THE MARYLAND STANDARD OF
6 IDENTITY FOR HONEY:

7 (I) LAVENDER (*LAVANDULA SPP.*); AND

8 (II) *BORAGE (BORAGO OFFICINALIS)*.

9 10–1905.

10 (A) A PERSON MAY DESIGNATE A FOOD PRODUCT AS “HONEY” IF THE
11 PRODUCT CONFORMS TO THE MARYLAND STANDARD OF IDENTITY FOR HONEY
12 SET FORTH IN § 10–1904 OF THIS SUBTITLE.

13 (B) IF A FOOD PRODUCT CONTAINS ANY FLAVORING, SPICE, OR OTHER
14 INGREDIENT IN ADDITION TO HONEY, THE NAME OF THE PRODUCT SHALL
15 DISTINGUISH THE PRODUCT FROM PURE HONEY AND DESIGNATE THE FOOD
16 ADDITIVE.

17 (C) IF PROCESSING MATERIALLY CHANGES THE FLAVOR, COLOR,
18 VISCOSITY, OR OTHER MATERIAL CHARACTERISTIC OF PURE HONEY, THE NAME
19 OF THE PRODUCT SHALL DISTINGUISH THE PRODUCT FROM PURE HONEY AND
20 DESIGNATE THE MODIFICATION.

21 (D) FOR BLOSSOM OR NECTAR HONEY, THE NAME OF THE FOOD MAY BE
22 SUPPLEMENTED BY THE TERM “BLOSSOM” OR “NECTAR”.

23 (E) FOR HONEYDEW HONEY, THE WORD “HONEYDEW” MAY BE PLACED
24 IN CLOSE PROXIMITY TO THE NAME OF THE FOOD.

25 (F) FOR MIXTURES OF BLOSSOM OR NECTAR HONEY WITH HONEYDEW
26 HONEY, THE NAME OF THE FOOD MAY BE SUPPLEMENTED WITH THE WORDS “A
27 BLEND OF HONEYDEW HONEY WITH BLOSSOM HONEY” OR “A BLEND OF
28 HONEYDEW HONEY WITH NECTAR HONEY”.

29 (G) (1) HONEY MAY BE DESIGNATED BY THE NAME OF A
30 GEOGRAPHICAL OR TOPOGRAPHICAL REGION IF THE HONEY WAS PRODUCED
31 EXCLUSIVELY WITHIN THE AREA REFERRED TO IN THE DESIGNATION.

1 **(2) WHEN HONEY HAS BEEN DESIGNATED BY THE NAME OF A**
2 **GEOGRAPHICAL OR TOPOGRAPHICAL REGION, THE NAME OF THE COUNTRY**
3 **WHERE THE HONEY HAS BEEN PRODUCED SHALL BE DECLARED ON THE LABEL.**

4 **(H) (1) HONEY MAY BE DESIGNATED ACCORDING TO A FLORAL OR**
5 **PLANT SOURCE IF IT COMES WHOLLY OR MAINLY FROM THAT PARTICULAR**
6 **SOURCE AND HAS THE ORGANOLEPTIC, PHYSICOCHEMICAL, AND MICROSCOPIC**
7 **PROPERTIES CORRESPONDING WITH THAT ORIGIN.**

8 **(2) WHEN HONEY HAS BEEN DESIGNATED ACCORDING TO A**
9 **FLORAL OR PLANT SOURCE:**

10 **(I) THE COMMON NAME OR THE BOTANICAL NAME OF THE**
11 **FLORAL SOURCE SHALL BE IN CLOSE PROXIMITY TO THE WORD “HONEY”; AND**

12 **(II) THE NAME OF THE COUNTRY WHERE THE HONEY HAS**
13 **BEEN PRODUCED SHALL BE DECLARED ON THE LABEL.**

14 **(I) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING**
15 **METHODS OF REMOVAL FROM THE COMB:**

16 **(I) “EXTRACTED HONEY” IS HONEY OBTAINED BY**
17 **CENTRIFUGING DECAPPED BROODLESS COMBS;**

18 **(II) “PRESSED HONEY” IS HONEY OBTAINED BY PRESSING**
19 **BROODLESS COMBS; OR**

20 **(III) “DRAINED HONEY” IS HONEY OBTAINED BY DRAINING**
21 **DECAPPED BROODLESS COMBS.**

22 **(2) THE DESIGNATIONS IN PARAGRAPH (1) OF THIS SUBSECTION**
23 **MAY NOT BE USED UNLESS THE HONEY CONFORMS TO THE APPLICABLE**
24 **DESCRIPTION.**

25 **(J) (1) HONEY MAY BE DESIGNATED ACCORDING TO THE FOLLOWING**
26 **STYLES:**

27 **(I) “HONEY” THAT IS HONEY IN LIQUID, CRYSTALLINE**
28 **STATE, OR A MIXTURE OF THE TWO;**

29 **(II) “COMB HONEY” THAT IS HONEY STORED BY BEES IN**
30 **THE CELLS OF FRESHLY BUILT BROODLESS COMBS AND THAT IS SOLD IN**
31 **SEALED WHOLE COMBS OR SECTIONS OF SUCH COMBS; OR**

1 (III) "CUT COMB IN HONEY", "HONEY WITH COMB", OR
 2 "CHUNK HONEY" THAT IS HONEY CONTAINING ONE OR MORE PIECES OF COMB
 3 HONEY.

4 (2) THE STYLES DESIGNATED IN PARAGRAPH (1)(II) AND (III) OF
 5 THIS SUBSECTION SHALL BE DECLARED ON THE LABEL.

6 10-1906.

7 ~~(A) A PERSON THAT SUFFERS DAMAGES AS A RESULT OF A VIOLATION~~
 8 ~~OF THIS SUBTITLE MAY BRING A CIVIL ACTION FOR DAMAGES IN ANY COURT OF~~
 9 ~~COMPETENT JURISDICTION.~~

10 ~~(B) (1) THE FOLLOWING PERSONS MAY BRING AN ACTION TO~~
 11 ~~ENFORCE THIS SUBTITLE IN THE APPROPRIATE CIRCUIT COURT:~~

12 ~~(I) A BEEKEEPER OR PRODUCER OF HONEY IN THE STATE;~~

13 ~~(II) AN ASSOCIATION OF BEEKEEPERS OR HONEY~~
 14 ~~PRODUCERS IN THE STATE; AND~~

15 ~~(III) THE ATTORNEY GENERAL.~~

16 ~~(2) IF A PERSON VIOLATES THIS SUBTITLE, THE COURT MAY:~~

17 ~~(I) ENJOIN A PRODUCER, MANUFACTURER, OR~~
 18 ~~DISTRIBUTOR FROM DISTRIBUTING THE MISLABELED PRODUCT IN THE STATE;~~
 19 ~~OR~~

20 ~~(II) ORDER ANY OTHER RELIEF THE COURT FINDS~~
 21 ~~APPROPRIATE.~~

22 ~~(A) AN ACTION TO ENFORCE THIS SUBTITLE MAY BE FILED IN THE~~
 23 ~~CIRCUIT COURT OF THE COUNTY IN WHICH THE VIOLATION OCCURRED BY:~~

24 ~~(1) A BEEKEEPER OR AN ASSOCIATION OF BEEKEEPERS;~~

25 ~~(2) A HONEY PACKER OR AN ASSOCIATION OF HONEY PACKERS;~~

26 ~~(3) A HONEY PRODUCER OR AN ASSOCIATION OF HONEY~~
 27 ~~PRODUCERS; OR~~

28 ~~(4) THE ATTORNEY GENERAL.~~

1 **(B) IF THE COURT DETERMINES THAT A VIOLATION OF THIS SUBTITLE**
 2 **EXISTS, THE COURT MAY ORDER APPROPRIATE RELIEF, INCLUDING AN ORDER**
 3 **TO ENJOIN A PRODUCER, MANUFACTURER, OR DISTRIBUTOR FROM**
 4 **DISTRIBUTING IN THE STATE A PRODUCT DESIGNATED AS “HONEY” IF THE**
 5 **PRODUCT DOES NOT CONFORM TO THE MARYLAND STANDARD OF IDENTITY FOR**
 6 **HONEY ESTABLISHED UNDER THIS SUBTITLE.**

7 **10-1907.**

8 **NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE RELATING**
 9 **TO THE EXERCISE OF THE DEPARTMENT’S ENFORCEMENT AUTHORITY, THE**
 10 **DEPARTMENT IS NOT REQUIRED TO ENFORCE THE REQUIREMENTS OF THIS**
 11 **SUBTITLE.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
 13 **October 1, 2012.**

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.